

REMARKS/ARGUMENTS

The Office has required restriction in the present application as follows:

Group I: Claims 1-6, drawn to a leather-like sheet substrate; and

Group II: Claim 7, drawn to a method of making a leather-like material.

Applicants election with traverse Group I: Claims 1-6.

The Examiner concludes that inventions I and II are related as process of making and product made. Distinctness is shown in that the product can be made by a materially different process wherein monocomponent fibers having the objective size are employed, instead of employing multicomponent fibers and subjecting them to subsequent splitting as claimed in applicants method step six.

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinction between the identified groups or shown that a burden exists in searching all of the claims. Applicants have invented a product with improved properties. These properties include a leather-like sheet substrate exhibiting good stretchability in both the machine direction and the transverse direction and is suitable for clothing applications having a touch and feel of natural leathers. These properties are obtained by Applicants process step six which requires making two microfine fiber forming fibers A' and B' into microfiner fiber bundles A and B. The Examiner has not shown that his alleged process would result in a new and novel product which Applicant is claiming.

Moreover, the M.P.E.P. in §803 states as follows:

“If the search and examination of an entire application can be made without serious burden, the Examiner *must* (emphasis added) examine on the merits even though it includes the claims to distinct and independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

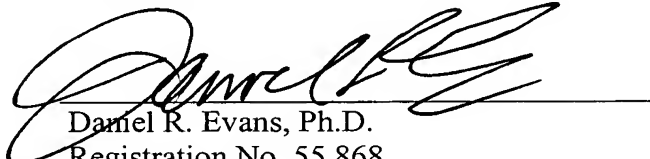
Applicants respectfully request that upon the allowance of a claim to the elected product, that the Examiner rejoin the product and method claims under the provisions of M.P.E.P. §821.04.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Daniel R. Evans, Ph.D.
Registration No. 55,868

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)